

## FINAL DECISION AND ORDER

**Decision Issue Date:** Tuesday, June 11, 2019

PROCEEDING COMMENCED UNDER Section 53, subsection 53(19), and Section 45(12), subsection 45(1) of the Planning Act, R.S.O. 1990, c. P.13, as amended (the "Act")

Appellant(s): HUAWEI WANG

Applicant: SZETO ARCHITECT

Property Address/Description: 58 GLEN WATFORD DR

Committee of Adjustment Case File: 17 204121 ESC 41 CO, 17 213982 ESC 41 MV, 17 213996 ESC 41 MV, 17 213999 ESC 41 MV, 17 214003 ESC 41 MV

**TLAB Case File Number: 18 220421 S53 41 TLAB, 18 220422 S45 41 TLAB, 18 220424 S45 41 TLAB**

**Hearing date:** Wednesday, February 13, 2019

**DECISION DELIVERED BY** Ian James Lord

### APPEARANCES

Name	Role	Representative
XIA LIN	Owner	
SZETO ARCHITECT	Applicant	
HUAWEI WANG	Appellant	MEAGHAN MCDERMID
TYLER PECK	Expert Witness	
CITY OF TORONTO	Party (TLAB)	Ellen Penner
DONNA YAU	Participant	

### INTRODUCTION

These matters are on appeal from a refusal by the Scarborough Panel of the Committee of Adjustment (COA) of the City of Toronto (City). The Applications, as they have evolved, engage the severance of 58 Glen Watford Drive (subject property) into

**Decision of Toronto Local Appeal Body Panel Member: I. LORD**  
**TLAB Case File Number: 18 220421 S53 41 TLAB, 18 220422 S45 41 TLAB, 18**  
**220424 S45 41 TLAB**

two lots, Part 1 fronting on Montgomery Avenue and Part 2 fronting and reflecting the existing orientation of the subject property. The existing dwelling is to be demolished; two new single detached dwellings are proposed to be erected on each of the severed lots.

Variances are required to permit the construction of a proposed two-storey detached dwellings.

The refusals before the COA led to discussions with the City that resulted in a proposed settlement involving the re-orientation or re-configuration of the lots from that considered by the COA.

Ms. Penner replaced Mr. Schumann as counsel for the City due to a scheduling conflict; she was assisted by a City Planner, Mr. Greg Hobson-Garcia, however he did not testify.

Ms. McDermid represented the Appellant and called Mr. Trevor Peck, a Registered Professional Planner, to describe the proposal, the settlement, to address the relevant tests and provide the only opinion evidence heard by the Toronto Local Appeal Body (TLAB).

There were no other witnesses.

Although there was a previous Notice of Motion for an adjournment in October 2018, the Motion was never considered. On consent, an administrative adjournment from January to the above Hearing Date afforded the opportunity for the Parties to reach a consensus.

It goes without saying that any consensus by the Parties needs concurrence of the TLAB in its public interest responsibility.

No Minutes of Settlement were filed, arguably in non-compliance with the TLAB Rule. It is unclear whether a posting of the Settlement terms would have aided the consideration of the matter.

The participant, Donna Yau, did not attend. Her correspondence filed January 28, 2019 is made largely irrelevant due to the change in plans from those originally before the COA, revised for the COA decision and further revised by the Settlement. The TLAB strives to keep the public informed; it is for that reason that the Settlement Rule provides obligations, rights and privileges in the parties and the participants.

No reason was provided as to why even a simple announcement of the Settlement Terms could not have been provided and posted for public Notice.

## **BACKGROUND**

Pursuant to Council's expectation placed on TLAB Members, I advised I had visited the site and reviewed much of the pre-filed materials.

**Decision of Toronto Local Appeal Body Panel Member: I. LORD**  
**TLAB Case File Number: 18 220421 S53 41 TLAB, 18 220422 S45 41 TLAB, 18 220424 S45 41 TLAB**

I qualified Mr. Peck to provide professional land use planning opinion evidence; his execution of an Experts Witness Acknowledgement Form was not brought to my attention but is attached as Appendix A to his Witness Statement. This was his first qualification to give expert testimony before a tribunal. I suggested, at the conclusion of his evidence, that his advice that the Tribunal "should" approve the consent and variances sought might be better framed as a recommendation for approval, leaving the decision direction to the Tribunal.

His very thorough Witness Statement and its extensive Attachments were entered as Exhibit 1 to the Hearing. The Plans Examination Notice dated December 21, 2018 is attached as Appendix 'F' to Exhibit 1.

The evidence aptly presented by Mr. Peck described both the relief sought and his opinion on the application of relevant policy and tests in respect of the jurisdiction items below listed.

The Consent request is set out on **Attachment A** hereto, being the creation of lots set out on the plan of survey, Draft Plan, by 'ertl surveyors' identified as Appendix 'D' to Exhibit 1.

The Variances requested are set out on **Attachment B** hereto, being modified from those set out in paragraph 61 to the Witness Statement of Trevor Peck, Exhibit 1.

The Conditions of Consent and Variance as proposed by the Appellant and supported by the City are set out on **Attachment C** hereto, being Appendix 'B' to Exhibit 1.

The location of the proposed buildings on the severed lots is shown on a Site Plan of Szeto Architects, with site statistics, identified as Drawing A1, were previously set out on **Attachment D** hereto, being found in Appendix 'E' to Exhibit 1.

## **MATTERS IN ISSUE**

Despite the presence of a Settlement proposal, to which great weight should be given, the TLAB must be satisfied that the considerations raised by provincial policy, section 51(24) and section 45 (1) of the *Planning Act*, and as are set out below, are satisfactorily met and the public interest is served.

## **JURISDICTION**

### **Provincial Policy – S. 3**

A decision of the Toronto Local Appeal Body ('TLAB') must be consistent with the 2014 Provincial Policy Statement ('PPS') and conform to the Growth Plan of the Greater Golden Horseshoe for the subject area ('Growth Plan').

### **Consent – S. 53**

**Decision of Toronto Local Appeal Body Panel Member: I. LORD**  
**TLAB Case File Number: 18 220421 S53 41 TLAB, 18 220422 S45 41 TLAB, 18 220424 S45 41 TLAB**

TLAB must be satisfied that a plan of subdivision is not necessary for the orderly development of the municipality pursuant to s. 53(1) of the Act and that the application for consent to sever meets the criteria set out in s. 51(24) of the Act. These criteria require that " regard shall be had, among other matters, to the health, safety, convenience, accessibility for persons with disabilities and welfare of the present and future inhabitants of the municipality and to,

- (a) the effect of development of the proposed subdivision on matters of provincial interest as referred to in section 2 of the Planning Act;
- (b) whether the proposed subdivision is premature or in the public interest;
- (c) whether the plan conforms to the official plan and adjacent plans of subdivision, if any;
- (d) the suitability of the land for the purposes for which it is to be subdivided;
  - (d.1) if any affordable housing units are being proposed, the suitability of the proposed units for affordable housing;
- (e) the number, width, location and proposed grades and elevations of highways, and the adequacy of them, and the highways linking the highways in the proposed subdivision with the established highway system in the vicinity and the adequacy of them;
- (f) the dimensions and shapes of the proposed lots;
- (g) the restrictions or proposed restrictions, if any, on the land proposed to be subdivided or the buildings and structures proposed to be erected on it and the restrictions, if any, on adjoining land;
- (h) conservation of natural resources and flood control;
- (i) the adequacy of utilities and municipal services;
- (j) the adequacy of school sites;
- (k) the area of land, if any, within the proposed subdivision that, exclusive of highways, is to be conveyed or dedicated for public purposes;
- (l) the extent to which the plan's design optimizes the available supply, means of supplying, efficient use and conservation of energy; and
- (m) the interrelationship between the design of the proposed plan of subdivision and site plan control matters relating to any development on the land, if the land is also located within a site plan control area designated under subsection 41 (2) of this Act or subsection 114 (2) of the City of Toronto Act, 2006. 1994, c. 23, s. 30; 2001, c. 32, s. 31 (2); 2006, c. 23, s. 22 (3, 4); 2016, c. 25, Sched. 4, s. 8 (2).

**Decision of Toronto Local Appeal Body Panel Member: I. LORD**  
**TLAB Case File Number: 18 220421 S53 41 TLAB, 18 220422 S45 41 TLAB, 18**  
**220424 S45 41 TLAB**  
**Minor Variance – S. 45(1)**

In considering the applications for variances from the Zoning By-laws, the TLAB Panel must be satisfied that the applications meet all the four tests under s. 45(1) of the Act. The tests are whether the variances:

- maintain the general intent and purpose of the Official Plan;
- maintain the general intent and purpose of the Zoning By-laws;
- are desirable for the appropriate development or use of the land; and
- are minor.

## **EVIDENCE**

Mr. Peck provided the sole source of viva voce evidence, without questions or clarification from the City. In providing his opinion on consistency with the Provincial Policy Statements and conformity with the Growth Plan, he said each consideration in the list of Section 51(24) that were relevant were met and that, individually and collectively, the variances sought met the four statutory tests of section 45 of the *Planning Act*.

In reaching those conclusions, he addressed and advised the following:

1. A plan of subdivision is not required to address the creation of two lots;
2. The late identification by the Plans Examiner, Exhibit 1 Appendix 'F' of a variance to permit the location of the Glen Watford driveway (near its existing location), is minor and did not warrant additional notice under section 45 (18.1.1).
3. The permission requested would allow the construction of a new house on Part 1 of 1111.5 sq m area and 33.27 m frontage (Montgomery) and the same on Part 2 of 1044.4 sq m lot area and 28.01 m frontage, with the allowance in 2. above.
4. The neighbourhood (undefined) presented examples of similar building lot orientation (7 Montgomery), building typology (38-40 Marydon Crescent), lot areas and frontages (no study area statistics provided).
5. The consent and variances, if approved, permit the owner to withdraw an appeal to Bylaw 503-2018 and such withdrawal, as a term of the settlement (no Settlement Agreement document), is secured by proposed agreed conditions. The planner stated that "when the appealed by-law comes into force on the withdrawal, the variances are needed to implement" the application approvals (emphasis is mine).
6. The consent and variances, if approved, would permit construction of one single detached dwelling on each of the new lots, also compliant with all current zoning performance standards.

**Decision of Toronto Local Appeal Body Panel Member: I. LORD**  
**TLAB Case File Number: 18 220421 S53 41 TLAB, 18 220422 S45 41 TLAB, 18 220424 S45 41 TLAB**

7. While the proposal discussed with the City suggests houses that are essentially mirror reverse images of each other at 275 sq m gross floor area, their orientation presents a reduced visual streetscape impact on a corner lot as the Montgomery frontage will face a two storey typology with near opposing driveways.

8. Neither the site plan nor elevations in Appendix 'E' of Exhibit 1, although used in the Plans Examiners Notice, Exhibit 2 (found in Exhibit 1, Appendix 'F') and discussed in the settlement with the City, are incorporated in the recommended conditions of approval. These Plans constitute the "Proposal" as the basis of Mr. Peck's discussion and recommendations in his Witness Statement.

9. 'Adequate regard' has been given to the criteria in section 51 (24); this included: references to two historical consents, one at 2657 Midland Avenue (2016) and one across the street to form 7 Montgomery Avenue (1962-3); a confirmation that the lot to the west, at some 1559 sq m, is considerably smaller than the subject property (2055.8 sq m). Although he was not aware of any comparable lots (he acknowledged no precedent impact analysis had been undertaken), based on four criteria: the original lot size of the subject property in excess of 2000 sq m; the subject property depth at 64 m; its corner location; and fronting a flankage lot of analogous and facing typology, he felt the proposal would not 'destabilize' the area.

10. In addressing the assessment criteria of section 4.1.5, he stated the lot orientation would remain consistent with area character, that area building performance standards are met, including lot size and frontage criteria and that construction could occur with no discernable impacts, subject to the proposed conditions that he addressed, Exhibit 1, Tab 'B'.

11. He was satisfied that the Urban Structure policies of the Official Plan (section 2.1.3; 2.3) are met and that development would 'respect and reinforce' the neighbourhood, which he agreed was low form, ranch bungalows predominantly, with evidence of replacement dwellings and renovations, demonstrating a 'stable but not static' neighbourhood.

12. He said there was no policy to preclude lot division and that 'little change' would be evident.

There was no contrary evidence presented.

## **ANALYSIS, FINDINGS, REASONS**

The subject property is exceptionally large with a flankage on Montgomery Avenue of such length and depth that it cries out for consideration of possible severance and infill housing. The fact that such can be accomplished meeting contemporary zoning standards and provide a face presence on Montgomery opposite an existing facing residence and driveway, supports the planner's evaluation and recommendation for severance consideration.

On the other hand, I am not satisfied a satisfactory area character analysis has resulted in a proper picture of the existing physical character of the neighbourhood. Mr.

**Decision of Toronto Local Appeal Body Panel Member: I. LORD**  
**TLAB Case File Number: 18 220421 S53 41 TLAB, 18 220422 S45 41 TLAB, 18**  
**220424 S45 41 TLAB**

Peck presented no area character analysis beyond a few selected photographs, some lotting figures and referenced only two severance approvals evident in almost 60 years.

There was no variance analysis information.

He acknowledged the built form of the neighbourhood and its lot character to be low rise, stable, consistent, mature, and evidencing an identifiable character with clearly built form attributes, including attached garages. I agree with this description.

While it is true that there is no expressed policy in the Official Plan preventing the consideration of severances within the '*Neighbourhoods*' designation, by the same token there is no encouragement and active policy direction that forms of intensification occur in other defined designations.

In my view, a severance in a Neighbourhood that shows such a consistency of historical attributes needs to be especially well supported or otherwise be shown to have plain and obvious merit in its context. I agree with the planner Beck that OPA 320, while relevant and not determinative given the original date of application, is helpful in focusing policy evidence. These include compatibility, fit, and the myriad of tests under section 51(24) and 45 (1) of the *Planning Act* on the block, more proximate properties and, as well, the larger neighbourhood.

The proposal has a plain and obvious capability to provide and maintain large lots and a consistency in streetscape, but for one element.

For the reasons given, I accept the evidence of Mr. Peck that streetscape preservation can be maintained, that compatibility can be achieved by compliance with zoning standards and that there are no obvious undue adverse impacts created by the proposed lot pattern and variances sought. The proposal is for large lots well buffered by scale and presentation. They are located at a unique corner of enhanced curvilinear size and character. As well, their depth and significant urban forest canopy, which I was advised on the street frontages would be maintained, are positive attributes.

In my view, consistent with the settlement proposed, this is a lot capable of maintaining the existing physical character of the area with a severance. Moreover, with some assistance, I also accept that the construction of new, contemporary housing on these two proposed lots can be employed to respect and reinforce area character.

Where I differ from the evidence is in respect of the absence of identifiable plans or even the fixing of the location of these proposed new dwelling units, on the lots. Both the planner and counsel for the Applicant saw no need to incorporate the site plan, elevation drawings, size, scale, dimensions, typology or character of the buildings proposed for these lots. Initially, they were content that adherence to existing development standards represented an appropriate obligation - being the standard applied to the redevelopment of all existing lots of record and their redevelopment, if pursued under as-of-right zoning permission.

Respectfully, I disagree. An applicant who seeks severance and variances within an established residential neighbourhood of identifiable character attributes, stability, minimal evidence of change and a consistency and compatibility in prevalent building

**Decision of Toronto Local Appeal Body Panel Member: I. LORD**  
**TLAB Case File Number: 18 220421 S53 41 TLAB, 18 220422 S45 41 TLAB, 18**  
**220424 S45 41 TLAB**

form, is requesting permissions distinctly different than a building permit under as-of-right conditions. To wit, and as one element, the policy review consideration of respecting and reinforcing the existing physical character of the neighbourhood is made applicable to the former route by statute, as a legal oversight consideration; it is not applied in the latter, beyond the individual's own appreciation of sense of place.

In the present case, the applications as discussed in support of the settlement, contemplate a two storey building typology with two car integral garages in two mirror image dwelling unit proposals, framing the corner location. The Applicant/Appellant suggested the consideration of approval not be tied to the site plan or elevations under discussion, as these may change. This is responsible, in one view, in the interest of the flexibility of future owners to design and construct buildings of their choice.

However, the proposal is for the creation of comparatively large lots. The applicable zoning performance standards are relatively generous. Without any condition as to what is deliverable on the lots, if created, the proposed buildings could 'float' in terms of location, within the performance standards applicable, including in location, scale, massing and built form.

The planner did not address the Official Plan criteria in section 4.1.5 of massing, height, scale or location on the lot as to what might be possible, when the site plan and elevations presented in his analysis are removed. He was forthright to say the conditions did not include the certainty of a site plan or elevations.

It is unsatisfactory to this Member to be left with a request for approval of severance and variances in a neighbourhood with an established character as demonstrated, where the deliverable by the owner is unfixed, unascertained and floating. Here, site development is capable of a scale, typology, height, massing and character flexibility limited only by the zoning performance standards applicable to a comparatively large lot.

In my view, it is not possible to properly conclude compatibility and the criteria to respect and reinforce the neighbourhood with such flexibility outstanding.

This is all the more of a concern to the deliverable of a compatible streetscape, where the discussion was premised upon a set of mirror image buildings demonstrating a repetitive architectural appearance different from nearby residential properties and over a wider area of established character. Even that clarity, as uninspiring as mirror image buildings are, is abandoned by eliminating adherence to a site plan and elevation drawings.

In my view, I believe the Applicant/Appellant can do better than leave the relevant considerations of section 4.1.5 essentially unaddressed. I think the public, in such a community, is entitled to more certainty on the applications and something more than the style and potentially stark construction of mirror image buildings. In my view, the diversity of architectural design, façade treatment and use of materials in this community holds an added element of character, compatibility, fit and respect that is entirely absent in identical structures. By leaving the built form to 'float' in scale and massing (and other elements) in an undetermined future is not in keeping with the general intent and purpose of the Official Plan.



**Decision of Toronto Local Appeal Body Panel Member: I. LORD**  
**TLAB Case File Number: 18 220421 S53 41 TLAB, 18 220422 S45 41 TLAB, 18**  
**220424 S45 41 TLAB**

Across the City, applications for consent in residential neighbourhoods are tied to approvals that have the benefit of site plans, elevations and massing plans to deliver to the public: "What you see is what will be built".

I am grateful to counsel for the appellant, following discussion, to acknowledge that, if seen fit on an approval, the TLAB could tie the decision to the site plan, but not the elevations. It is my understanding that both elements had been the subject matter of discussion with the City. Counsel's instructions in this regard were not described but the importance of the flexibility seemed to be great. All of the evidence of the planner Peck was based on the site plan and elevations provided.

The City took no position on any of these elements.

I am also grateful to counsel and the parties in advancing a settlement proposal where their mutual interests are addressed.

I am cognizant of the fact that each set of applications or appeals needs to be considered on their own independent merits and circumstances and that single issues, e.g., the principle of precedent, is rarely determinative. I am also cognizant of the limited role that planning authorities can play in contributing to private design decisions. As limited as it is, 'character', 'built form', 'fit' and 'cornerstone' policies of the Official Plan have design attributes and elements in their DNA. So too does the language of the regulatory power under section 34 of the *Planning Act*, to zone for and including 'character'. Here, we are engaged with applications requesting variances to the regulatory power to zone and in both the consent and variance appeals, Official Plan conformity is statutorily made a mandatory relevant consideration.

I am content that a plan of subdivision is not required, and I agree with Mr. Peck that no further notice of the added variance by the Plans Examiner, respecting the location on Glen Watford of the Part 2 driveway entrance, is required.

I am open to endorsing the settlement but am not content that the public interest has been fully addressed by the broad terms of the settlement.

## **AMENDING DECISION AND ORDER**

As a consequence of the above reasons, the TLAB issued an 'Interim Decision and Order' on February 19, 2019 providing certain terms and directions, quoted below:

"Subject to the terms hereof and the **Additional Conditions** identified below,

1. the appeal from the decision of the Committee of Adjustment of the consent to sever is allowed and the lot configuration presented in the draft reference plan, **Attachment A** hereto is approved with the dimensions as to areas and boundaries as thereon depicted. This approval is subject to the conditions identified in **Attachment C, Section A**, identified as applicable to the consent.

**Decision of Toronto Local Appeal Body Panel Member: I. LORD**  
**TLAB Case File Number: 18 220421 S53 41 TLAB, 18 220422 S45 41 TLAB, 18 220424 S45 41 TLAB**

2. the appeal from the decision of the Committee of Adjustment of the variance relief requested is allowed and the variances identified in **Attachment B** hereto are approved. This approval is subject to the conditions identified in **Attachment C, Section B** identified as applicable to the variances.

3. the proposed site plan and architectural plans contained in **Attachment D** are not approved.

4. Despite the foregoing, a Final Order and Decision shall not issue until **Additional Condition BB**, below, is provided satisfactory to the TLAB and is capable of incorporation therein.

**Additional Conditions.**

**AA.** If the owner/appellant herein, being the sole appellant to the approval of By-law 503-2018 provides an original executed letter satisfactory to the City Solicitor, to be held in escrow by the City Solicitor, that unconditionally and effectively instructs the withdrawal of the said by-law appeal, consent condition in Section A, paragraph H in **Attachment C** and variance condition in Section B, paragraph C in **Attachment C**, are deleted as conditions of approval hereto, on the following: namely, where the owner/appellant releases the escrow letter, thereafter the office of the City Solicitor shall confirm to City Staff that consent condition paragraph H in **Attachment C** and variance condition paragraph C in **Attachment C** are satisfied and deleted, in accordance with this Decision and Order. If this escrow provision Condition AA is not employed, the aforesaid conditions shall remain.

**BB.** The owner shall have a period of four (4) months from the date of the issuance of this Interim Decision and Order to provide to the TLAB, simultaneously copied to the City Solicitor, a **site plan** showing the location of the proposed buildings and structures on Parts 1 and 2 in **Attachment A** and a set of **elevation drawings** showing the scale, height and massing of buildings and structures proposed for the **site plan** on the said Parts 1 and 2, having substantially the same statistical dimensions as shown in **Attachment D, Drawing A1** hereto. The said **elevation drawings** shall include plans showing the typology, street perspective and intended materials treatment for both Parts 1 and 2 and incorporate distinct and different character attributes in each building front (street) facades, both having regard to incorporating character elements of surrounding building streetscapes. If compliance has not occurred in the period provided, or any extension thereof requested and allowed in advance of expiry by the TLAB, the appeals to the applications herein are refused, and the consent and variances specified in paragraphs 1 and 2 of this Interim Decision and Order are not granted.”

As a result of the terms and directions, specifically Items 3 and 4, above, the owners counsel, Ms. McDermit, by e-mail submission dated June 7, 2019, provided the following:

A) A text explanation as to the owners plans to retain the existing dwelling for a period; no response to area character is incorporated and none is required for the existing dwelling as it is not intended to be demolished.

**Decision of Toronto Local Appeal Body Panel Member: I. LORD**  
**TLAB Case File Number: 18 220421 S53 41 TLAB, 18 220422 S45 41 TLAB, 18**  
**220424 S45 41 TLAB**

B) Correspondence from the Registrar of the Local Planning Appeal Tribunal dated April 9, 2019 attesting to the withdrawal by Huaiwei Wang of the outstanding appeal in relation to the subject property;

C) A Design brief rational prepared by Robert Stephens of Public Design Consultants, dated June 4, 2019 providing an explanation of the design response proposed for Part 1, the Montgomery Avenue frontage;

D) A revised site plan and elevations, excluding interior layout, for the proposed construction on Part 1, the Montgomery Avenue frontage.

I have examined these materials in light of the observations reached in the Interim Decision issued February 19, 2019 and accept them as an appropriate response to the concerns raised. I am satisfied that Conditions AA and BB have been satisfied and can be deleted.

Counsel has advised that the City is content with the proposal as above described. It is appropriate to finalize the matter.

## **DECISION AND ORDER**

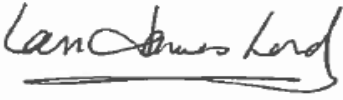
1. The appeal from the decision of the Committee of Adjustment of the consent to sever is allowed and the lot configuration presented in the draft reference plan, **Attachment A** hereto is approved with the dimensions as to areas and boundaries as thereon depicted. This approval is subject to the conditions identified in **Attachment C, Section A**, identified as applicable to the consent, as modified herein by the removal of the LPAT appeal, with which I am satisfied.

2. The appeal from the decision of the Committee of Adjustment of the variance relief requested is allowed and the variances identified in **Attachment B** hereto are approved. This approval is subject to the conditions identified in **Attachment C, Section B** identified as applicable to the variances, as modified herein by the removal of the LPAT appeal withdrawal, with which I am satisfied.

3. The site plan and elevations prepared by Szeto Architects previously attached to the Interim Decision as **Attachment D** are deleted as are Additional Conditions **AA** and **BB**.

4. Construction of the new dwelling on Part 1, the Montgomery Avenue frontage, shall be in substantial compliance with the Site Plan of Szeto Architect and elevations prepared by Public Design Consultants, all as identified in paragraphs C) and D) above, and attached hereto as **Attachment D-1**.

If difficulties arise in the implementation of this Decision and Order, the TLAB may be spoken to.

X 

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Ian Lord  
Panel Chair, Toronto Local Appeal Body  
Signed by: ilord

## ATTACHMENT A

Draft reference Plan, Exhibit 1, Appendix D

## ATTACHMENT B

The Variances are:

*City of Toronto Zoning By-law 569-2013, as amended by Zoning By-law 503-2018  
(900.3.10(267))*

### 1. Part 1

The proposed and permitted lot frontage is 33.27 metres and proposed and permitted lot area is 1,011.5 square metres; whereas the Zoning By-law permits a maximum of one (1) single family dwelling per lot as shown on a Registered Plan.

### Part 2

The proposed and permitted lot frontage is 28.01 metres and proposed and permitted lot area is 1,044.3 square metres; whereas the Zoning By-law permits a maximum of one (1) single family dwelling per lot as shown on a Registered Plan.

*City of Toronto Zoning By-law 569-2013 (10.5.80.40(3)) Applicable to Part 2 Only.*

2. The proposed and permitted vehicle access to a parking space is from Glen Watford Drive; whereas the Zoning By-law requires vehicle access on a corner lot to be from a flanking street (Montgomery Avenue).

**Decision of Toronto Local Appeal Body Panel Member: I. LORD**  
**TLAB Case File Number: 18 220421 S53 41 TLAB, 18 220422 S45 41 TLAB, 18**  
**220424 S45 41 TLAB**

*Former City of Scarborough Agincourt Community Zoning By-law 10076 (Schedule "B" 1)*

**3. Part 1**

The proposed and permitted lot frontage is 33.27 metres and proposed and permitted lot area is 1,011.5 square metres; whereas the Zoning By-law permits a maximum of one (1) single family dwelling per lot as shown on a Registered Plan.

**Part 2**

The proposed and permitted lot frontage is 28.01 metres and proposed and permitted lot area is 1,044.3 square metres; whereas the Zoning By-law permits a maximum of one (1) single family dwelling per lot as shown on a Registered Plan.

## **ATTACHMENT C**

**Toronto Local Appeal Body**

**18 220421 S53 41 TLAB**

**18 220422 S45 41 TLAB**

**18 220424 S45 41 TLAB**

**Conditions for Settlement -58 Glen Watford Drive**

**Hearing Date: February 13, 2019**

**Section A - Conditions of Approval Listed Below to be satisfied by the Applicant/Owner to be Applied to Consent**

A. Confirmation of payment of outstanding taxes to the satisfaction of Revenue Services Division, Finance Department.

B. Municipal numbers for the subject lots indicated on the applicable Registered Plan of Survey shall be assigned to the satisfaction of the Manager of Land and Property Surveys, Engineering Services, Engineering and Construction Services. Contacts: John House, Supervisor, Land and Property Surveys, at 416-392-8338; [John.House@toronto.ca](mailto:John.House@toronto.ca), or his designates, Elizabeth Machynia, at 416-338-5029; [Elizabeth.Machynia@toronto.ca](mailto:Elizabeth.Machynia@toronto.ca), John Fligg at 416-338-5031; [John.Fligg@toronto.ca](mailto:John.Fligg@toronto.ca)

C. **An electronic copy of the registered reference plan of survey** integrated to NAD 83 CSRS (3 degree Modified Transverse Mercator projection), delineating by separate Parts the lands and their respective areas, shall be filed with the Manager of Land and Property Surveys, Engineering Services, Engineering and Construction Services. Contact: John House, Supervisor, Land and Property Surveys, at 416-392-8338; [John.House@toronto.ca](mailto:John.House@toronto.ca).

**D. An electronic copy of the registered reference plan of survey** satisfying the requirements of the Manager of Land and Property Surveys, Engineering Services, Engineering and Construction Services shall be filed with the Committee of Adjustment

E. Within **ONE YEAR** of the date of the giving of this notice of decision, the applicant shall comply with the above-noted conditions and prepare for electronic submission to the Deputy Secretary-Treasurer, the Certificate of Official, Form 2 or 4, O. Reg. 197/96, referencing either subsection 50(3) or (5) or subsection 53(42) of the *Planning Act*, as it pertains to the conveyed land and/or consent transaction.

F. The applicant/owner shall submit to Urban Forestry a refundable Tree Protection Security Deposit in the amount of \$24,104.00TSD amount in the form of renewable letter of credit or other form acceptable to the General Manager of Parks, Forestry and Recreation to guarantee the protection of the City owned trees to be retained fronting the site or adjacent to the site, as per the City's Tree Protection Policy and Specifications for Construction near Trees and the City of Toronto Municipal Code Chapter 813, Article II.

G. Where there are no existing street trees, the applicant/owner shall provide to Urban Forestry a payment in lieu of planting one street tree on the City road allowance abutting each of the sites involved in the application. The number of trees required to be planted is 1 and the current cost of planting each tree is \$583.00. Payments shall be made payable to the Treasurer, City of Toronto and sent to Urban Forestry, Scarborough Civic Centre, 150 Borough Drive, 5th floor, Toronto, Ontario, M1P 4N7.

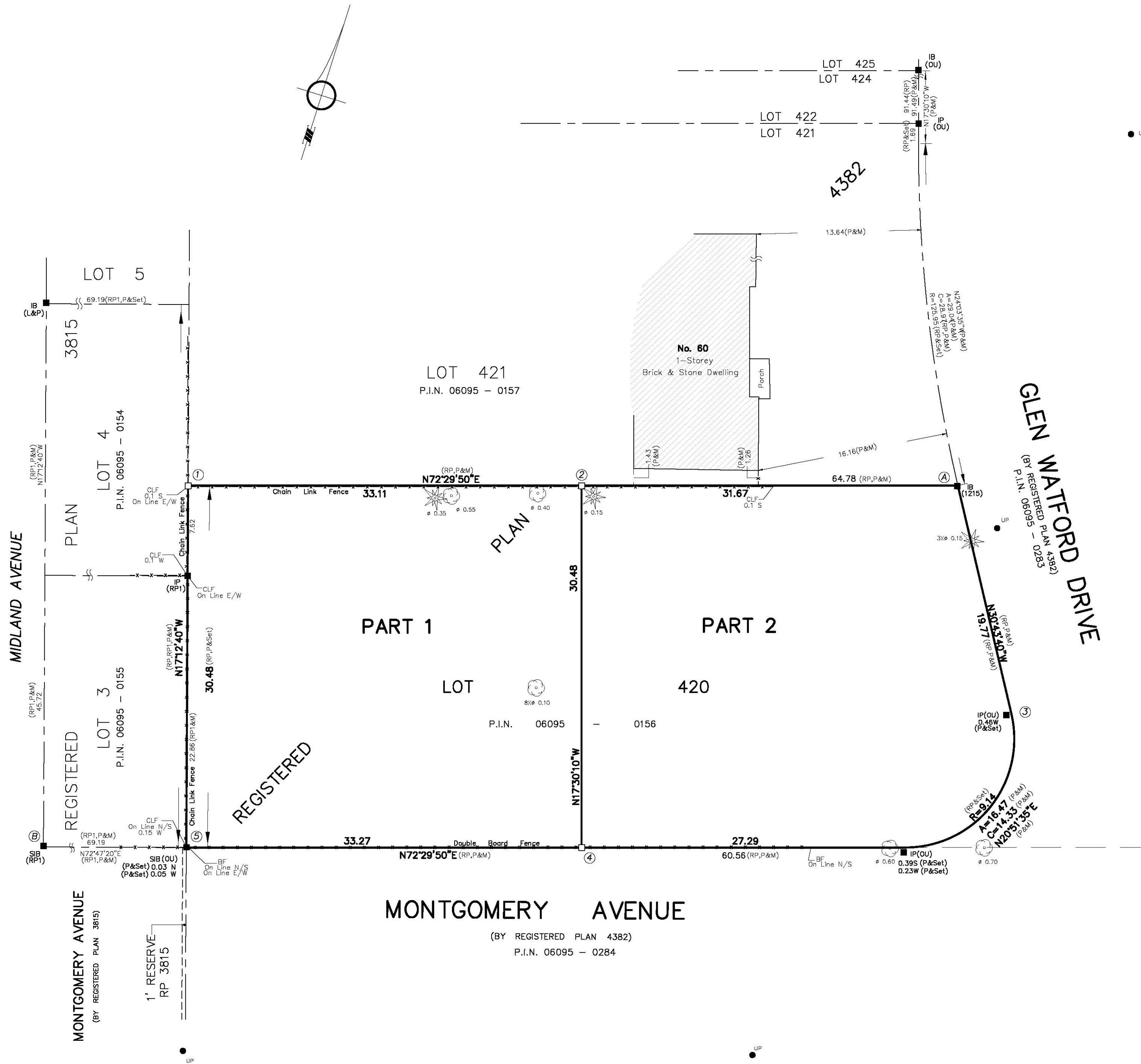
**Section B - Conditions of Approval Listed Below to be satisfied by Applicant/Owner to be Applied to Minor Variance**

A. The applicant/owner shall submit to Urban Forestry a complete application to Injure or Destroy Trees for privately owned trees, as per City of Toronto Municipal Code Chapter 813, Article III.

B. The applicant/owner shall submit to Urban Forestry a complete application to Injure or Destroy Trees for City owned trees, as per City of Toronto Municipal Code Chapter 813, Article II.

**ATTACHMENT D-1**

Site plan prepared by Szeto Architect last updated May 29, 2019 showing the location and footprint for proposed construction on Part 1, Montgomery Avenue frontage, with statistics, together with commentary and updated elevations prepared by Public Design Consultants Inc., per Robert Stephens, revised as of May 30, 2019.



I REQUIRE THIS PLAN TO BE  
DEPOSITED UNDER THE  
LAND TITLES ACT.

**Plan 66R-**  
RECEIVED AND DEPOSITED :

DATE : \_\_\_\_\_,2018

DATE : \_\_\_\_\_,2018

**LAWRENCE O. ERTL**  
ONTARIO LAND SURVEYOR

REPRESENTATIVE OF THE  
LAND REGISTRAR FOR THE LAND TITLES  
DIVISION OF TORONTO (No.66)

**Metric** DISTANCES AND COORDINATES SHOWN ON THIS PLAN ARE IN  
METRES AND CAN BE CONVERTED TO FEET BY DIVIDING BY 0.3048

**Schedule**

PART	LOT	REGISTERED PLAN	ALL OF P.I.N.	AREA (m <sup>2</sup> )
1	ALL OF 420	4382	06095-0156	1011.5
2				1044.3

PLAN OF SURVEY OF  
LOT 420  
REGISTERED PLAN 4382  
**CITY OF TORONTO**  
(FORMERLY CITY OF SCARBOROUGH)

SCALE 1:250  
0 1 2 3 4 5 10 20m

**ertl surveys 2018**  
Ontario Land Surveyors

**Integration**

DISTANCES SHOWN ON THIS PLAN ARE GROUND DISTANCES AND CAN BE  
CONVERTED TO GRID BY MULTIPLYING BY THE COMBINED SCALE FACTOR  
0.9998816  
BEARINGS ARE MTM GRID, ZONE 10, NAD 83 (CSRS) (2010.0) DERIVED FROM  
OBSERVED REFERENCE POINTS A AND B, BY REAL TIME NETWORK (RTN).  
FOR BEARING COMPARISON, A COUNTER-CLOCKWISE ROTATION OF 0°48'40" WAS  
APPLIED TO BEARINGS SHOWN ON PLANS RP AND RP1 LISTED IN THE LEGEND

OBSERVED REFERENCE POINTS (ORPs) MTM ZONE 10, NAD83 (CSRS) (2010.0) COORDINATES TO URBAN ACCURACY PER SEC. 14 (2) O. REG. 216/10		
POINT ID	NORTHING	EASTING
A	4850214.82	322563.67
B	4850145.75	322444.82
1	4850195.33	322501.89
2	4850205.29	322533.47
3	4850197.82	322573.77
4	4850176.22	322542.63
5	4850166.22	322510.91
COORDINATES CANNOT, IN THEMSELVES, BE USED TO RE-ESTABLISH CORNERS OF BOUNDARIES SHOWN ON THIS PLAN.		

**Legend**

- DENOTES SURVEY MONUMENT FOUND
- DENOTES SURVEY MONUMENT SET
- SIB DENOTES STANDARD IRON BAR
- IB DENOTES IRON BAR
- IP DENOTES IRON PIPE
- WT DENOTES WITNESS
- OU DENOTES ORIGIN UNKNOWN
- L&P DENOTES LLOYD AND PURCELL LTD., O.L.S.
- RP DENOTES REGISTERED PLAN 4382
- RP1 DENOTES REGISTERED PLAN 3815
- P DENOTES SURVEY BY ERTL SURVEYORS, O.L.S.,  
DATED NOVEMBER 25TH, 2016
- CLF DENOTES CHAIN LINK FENCE
- BF DENOTES BOARD FENCE
- M DENOTES MEASURED
- N/S/E/W DENOTES NORTH/SOUTH/EAST/WEST

**Surveyor's Certificate**

I CERTIFY THAT :  
1. THIS SURVEY AND PLAN ARE CORRECT AND IN ACCORDANCE WITH THE  
SURVEYS ACT , THE SURVEYORS ACT AND THE LAND TITLES ACT AND THE  
REGULATIONS MADE UNDER THEM.  
2. THE SURVEY WAS COMPLETED ON THE 1ST. DAY OF NOVEMBER, 2018

DATE \_\_\_\_\_,2018

Lawrence O. Ertl  
Ontario Land Surveyor

**ertl surveys**  
Ontario Land Surveyors  
**www.es-ols.com**

1234 REID STREET, UNIT 10, RICHMOND HILL, L4B 1C1  
TELEPHONE (905) 731-7834 FAX (905)731-7852 EMAIL info@es-ols.com  
DRAWING : 16524-58 GLEN WATERFOLD-RPLAN.DWGPROJECT : 16524  
CALC. BY CL/DV, DRAWN BY DV, CHECKED BY XX

---

Publica Design Consultants Ltd  
66 Victoria Park Avenue  
TORONTO Ontario  
Canada M4E 3R9  
416 691 7068  
robert\_stephens59@sympatico.ca

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June 4th 2019

## **58 Glen Watford Drive – Design Rationale**

\*Note: The owner now plans to retain the existing house and remove the greenhouse on its west side. This Design Rationale deals solely with Part 1.

### **The Challenge**

The TLAB's Decision on Cases 18 220421S53 41, 18 220422 S45 41 and 18 220424 S45 41 requires the owner of 58 Glen Watford Drive to:

- a) Provide a Site Plan for Part 1.
- b) Provide elevation drawings showing the typology, street perspective and materials treatments, incorporating character elements of surrounding streetscapes for the house to be constructed on Part 1, having regard to the character elements of the surrounding building streetscapes, and with substantially the same statistical dimensions as the proposal before the TLAB.

### **Permissions**

Part 1 has the following permissions under 569-2013 relevant to the proposed design:

- Maximum GFA = 0.4 times the lot area
- Maximum Building Height = 9.0m.
- Minimum Front Yard Set-Back = 9.0m.
- Minimum Side Yard Set-Back = 0.9m.
- Minimum Rear Yard Set-Back = 25% of lot depth or 7.62 metres

### **Urban Design Response:**

#### Neighbourhood Character

The existing neighbourhood, including the area from Midland Avenue to Lauralynn Crescent and from Heather Road to Todd Road, consists of single and/or two-storey homes on large lots, with attached or integral garages. The homes, by-and-large, can be characterised as presenting long, low street-front profiles. The house on Part 2 is typical of this type of home (Fig 1).

The two-storey homes often contain a single-storey component and also present an overall low street-profile.



The palette of materials employed includes, brick, stone, stucco and wood, typically in muted tones. Roofs are largely made of asphalt shingles of various colours.

The neighbourhood is stable but not static and many of the large lots have been redeveloped over the past few years.

## **The Proposed Design:**

### The Site Plan, Building Footprint and Massing

The proposed new house is located within the 'building envelope' established by the permissions applicable to Part 1.

The proposal presents a low-profile to the street, utilizing a mere 7.7m of the permitted height of 9.0m and 19.8m of the permitted 31.47m of building length. The result is a practical building footprint and a neighbourhood-sensitive typological response. These dimensions are different from the original proposal; however, they are recommended in order to respond to the TLAB's direction respecting neighbourhood character. This results in a design with a better 'character fit' than the original proposal, with more appropriate, neighbourhood-responsive dimensions and, as noted above, still within the applicable zoning for the site.

## **Elements**

### Front Doors

The front doors of many of the existing homes are accented with small porches covered by low-pitched roofs (Figs 2 & 3). The proposal contains a similar feature.

### Dormers

Dormers are used within the neighbourhood to create usable second-storey spaces while maintaining a low-profile approach to street-presence (Fig 4). The proposal makes extensive use of dormers to achieve a similar effect.

### Garages

Garages in the neighbourhood range from detached, to attached, to integrated. The garage in the proposal contains habitable space above it. The garage doors face into the lot, as opposed to facing the street, creating a more attractive street-presence, while still fitting the attached garage typology. The orientation of the garage doors also means that vehicular movement to the site and from the street can always be done in a forward direction.

## **Immediate Context**

The new house will be the second house to front onto Montgomery Avenue between Midland Avenue and Glen Watford Drive directly across from an existing 2-storey house. The house on the south side of Montgomery Avenue (Fig 5.) will be the new house's most immediate neighbour. As the proposed new infill housing, the design of the new house employs a built form, a materials palette and individual details which makes it compatible with and sensitive to its most immediate neighbour, with a 'comfortable' fit.

## Attachments



Fig 1. 58 Glen Watford Drive.



Fig 2. 19 Montgomery Avenue.



Fig 3. 55 Glen Watford Drive.



Fig 4. 46 Glen Watford Drive.



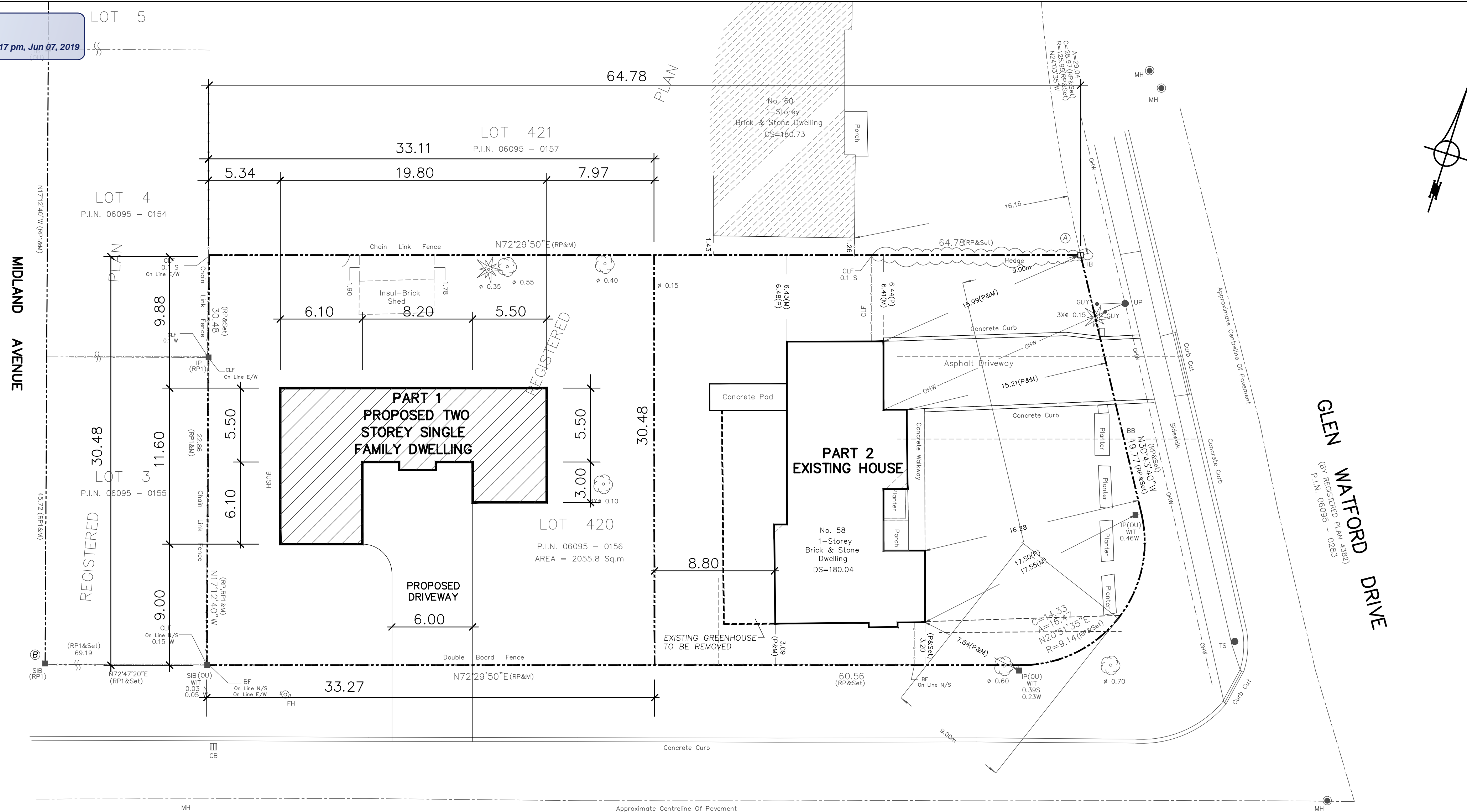
Fig 5. 7 Montgomery Avenue

Respectfully submitted,

Robert Stephens B.A., B.Arch.  
President, Publica Design Consultants Ltd.

Publica Design Consultants Ltd is associated with [Publika](#) Consultants - Santiago - Chile





# PROPOSED SITE PLAN

58 GLEN WATFORD DRIVE	REQUIRED CITY-WIDE ZONNING BY-LAW 569-2013	REQUIRED AGINCOURT COMMUNITY BY-LAW 10076	PROVIDED	
			EXISTING	PROPOSED
			PART 2	PART 1
LOT AREA	MIN. 360 SM.	—	1044.3 SM.	1011.5 SM.
LOT FRONTAGE	MIN. 12.0 M	—	28.01 M	33.27 M
GROUND FLOOR AREA WITHOUT GARAGE			144.4 SM.	125.4 SM.
SECOND FLOOR			0 SM.	146.1 SM.
BASEMENT			144.4 SM.	125.4 SM.
GROSS FLOOR AREA	MAX. 279 SM.	MAX. 279 SM.	144.4 SM.	271.5 SM.
	MAX. 40% OF LOT AREA	MAX. 50% OF LOT AREA	13.8 %	26.8 %
FOOT PRINT			179.4 SM.	162.6 SM.
LOT COVERAGE (FOOT PRINT / LOT AREA)	MAX. 33% OF LOT AREA	MAX. 33% OF LOT AREA	17.2 %	16.0 %
BUILDING LENGTH FRONT WALL TO REAR WALL ALONG CENTRE LINE OF LOT	MAX. 17.0 M	—	15.0 M	11.6 M
BUILDING DEPTH FROM FRONT YARD SET BACK TO REAR MAIN WALL	MAX. 19.0 M	—	17.6 M	11.6 M
FRONT YARD SET BACK	MIN. 9.0 M	MIN. 9.0 M	15.21 M	9.0 M
LOT DEPTH FROM LOT LINE TO REAR LOT LINE ALONG CENTRE LINE OF LOT	—	—	34.92 M	30.46 M
SIDE YARD SET BACK (LEFT SIDE)	0.9 M	MIN. 0.9 M	—	5.34 M
SIDE YARD SET BACK (RIGHT SIDE)	0.9 M	MIN. 0.9 M	6.4 M	7.97 M
SIDE YARD SET BACK (FLANKAGE)	2.4 M	MIN. 2.4 M	2.4 M	—

58 GLEN WATFORD DRIVE	REQUIRED	REQUIRED	PROVIDED	
	CITY-WIDE ZONNING BY-LAW 569-2013	AGINCOURT COMMUNITY BY-LAW 10076	EXISTING	PROPOSED
			PART 2	PART 1
REAR YARD 7.5 M OR 25% OF LOT DEPTH	34.92 x 25% = 8.73 MIN.		8.80 M	
	30.46 x 25% = 7.62 MIN.			9.88 M
REAR YARD 7.5 M + 50% OF LOT DEPTH GREATER THAN 33.5 M		7.5 + 50% (34.92-33.5) = 8.21 MIN.	8.80 M	
		7.5 M		9.88 M
BUILDING HEIGHT FROM ESTABLISHED GRADE TO HIGHEST RIDGE OF SLOPED ROOF	MAX. 9.0 M	MAX. 9.0 M	5.4 M	7.7 M
NUMBER OF STOREYS	MAX. 2	—	1	2
HEIGHT OF GROUND FLOOR ABOVE EXISTING GRADE	MAX. 1.2 M		0.45 M	0.45 M
DRIVE WAY WIDTH	MAX. 6.0 M	MAX. 6.0 M	5.6 M	6.0 M
% OF LANDSCAPING AREA IN FRONT YARD	MIN. 60%	MIN. 60%	81%	78%
% OF SOFT LANDSCAPING IN FRONT YARD LANDSCAPING AREA	MIN. 75%	MIN. 75%	81%	78%

[illegible]

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220 TORBAY ROAD  
MARKHAM, ONTARIO L3R 2P  
TEL: (905) 513-6126  
E-MAIL:  
szetoarchitect@consultants.com



Project Name:  
PROPOSED 2-STOERYS  
SINGLE FAMILY DWELLING  
58 GLEN WATFORD DRIVE  
TORONTO, ONTARIO

DRAWING TITLE:  
PROPOSED SITE PLAN

Project No.: .  
Date: MARCH 23, 2018  
Scale: 3/16"=1'-0"  
Drawn By: CD  
Checked By: AS

Drawing No.:

A1

SURVEYOR'S REAL PROPERTY REPORT-PART 1  
PLAN OF LOT 420  
REGISTERED PLAN 4382  
CITY OF TORONTO  
(FORMERLY CITY OF SCARBOROUGH)  
SCALE 1:200

SCALE 1:200





© COPYRIGHT

**ertl surveyors 2016**  
Ontario Land Surveyors

Metric

DISTANCES SHOWN ON THIS PLAN ARE IN METRES AND  
CAN BE CONVERTED TO FEET BY DIVIDING BY 0.3048

Legend

	DENOTES	SURVEY MONUMENT FOUND
□	DENOTES	SURVEY MONUMENT SET
SIB	DENOTES	STANDARD IRON BAR
IB	DENOTES	IRON BAR
IP	DENOTES	IRON PIPE
WIT	DENOTES	WITNESS
OU	DENOTES	ORIGIN UNKNOWN
RP	DENOTES	REGISTERED PLAN 4382
RP1	DENOTES	REGISTERED PLAN 3815
P	DENOTES	SURVEY BY WILDE, BRODIE & GARDINER, O.L.S., DATED NOVEMBER 1st, 1954
CLF	DENOTES	CHAIN LINK FENCE
BF	DENOTES	BOARD FENCE
M	DENOTES	MEASURED
DS	DENOTES	DOOR SILL ELEVATION
UP	DENOTES	UTILITY POLE
MH	DENOTES	MAINTENANCE HOLE
OHW	DENOTES	OVERHEAD WIRES
CB	DENOTES	CATCH BASIN
FH	DENOTES	FIRE HYDRANT
TS	DENOTES	TRAFFIC SIGN
BB	DENOTES	BELL BOX
	DENOTES	DECIDUOUS TREE WITH TRUNK DIAMETER
	DENOTES	CONIFEROUS TREE WITH TRUNK DIAMETER
S/E/W	DENOTES	NORTH/SOUTH/EAST/WEST





*Slaphers*  
919

Context Plan





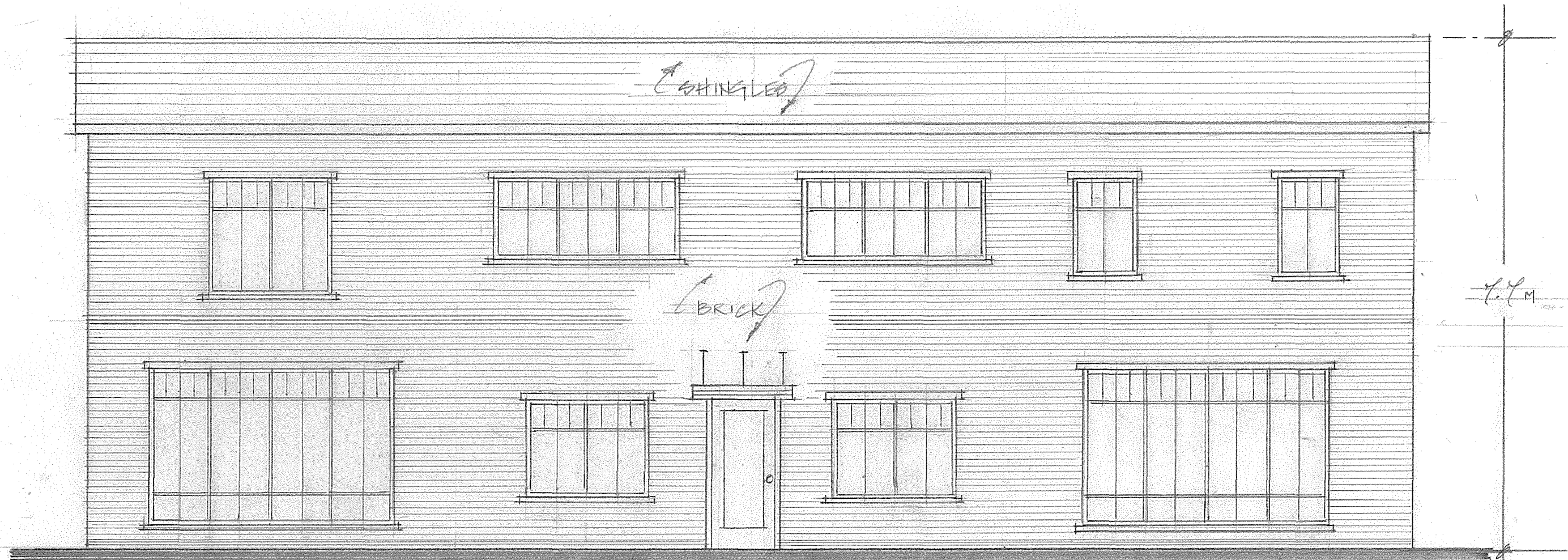
Stephens  
219

East Elevation



Stephens  
9/9

West Elevation



Stephens  
9/19

North Elevation





Stephen B  
5/19

South Elevation